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RemarksStatus of Claims

Claims 1 – 5 were originally pending in the application. Claims 1 – 5 stand rejected under 35 U.S.C. § 102(b) as anticipated by United States Letters Patent No. 5,570,216 to Lu, et al. (the “Lu Reference”). Claims 1 – 4 stand rejected under 35 U.S.C. § 102(b) as anticipated by United States Letters Patent No. 5,726,729 to Takei (the “Takei Reference”). Claims 1 – 4 stand rejected under 35 U.S.C. § 102(b) as anticipated by United States Letters Patent No. 4,114,990 to Mash (the “Mash Reference”). Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the Takei Reference or the Mash Reference in view of the Lu Reference.

The Applicants have amended claims 1, 2, and 5 and have canceled claims 3 and 4. The Applicants have added new claims 6 – 9. Claims 1, 2, and 5 – 9 are currently pending in the Application. The Applicants respectfully submit that the current claims are allowable and request that the Examiner allow such claims to pass to issue.

ArgumentsRejection of Claims 1, 2, and 5

Claims 1 and 2 stand rejected pursuant to 35 U.S.C. § 102(b) as anticipated by the Lu Reference and the Takei Reference. Claim 5 stands rejected pursuant to 35 U.S.C. § 102(b) as anticipated by the Lu Reference and pursuant to 35 U.S.C. § 103(a) as unpatentable over the Takei Reference or the Mash Reference in view of the Lu Reference. The Applicants traverse these claim rejections.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described,

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in a single prior art reference.” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). The cited references fail to meet this standard for the amended claims.

Claims 1 and 2 have been amended to recite, among other things, a plurality of stackable optical cells. Each of the cited references discloses a single optical cell, as that term is used in the pending claims. The Lu and Takei References fail to fairly suggest a plurality of stackable optical cells as claimed. Because the cited references fail to disclose, each and every claimed element, the anticipation rejections should be withdrawn and the claims allowed to issue as amended.

Claim 3 has similarly been amended to recite, among other things, a plurality of optical cells. As mentioned, neither the Lu Reference nor the Takei Reference discloses this claimed element. The Mash Reference fails to supply or suggest this same element. On this basis, the rejection of claim 3 should also be withdrawn and claim 3 should be allowed to issue.

New Claims 6 – 9

New claims 6 – 9 have been added in this response. All these claims also recite, among other things, a plurality of optical cells. For the reasons cited above, the inclusion of this claimed element renders claims 6 – 9 allowable over the art cited by the Examiner. The Applicants respectfully request that these claims be allowed to pass to issue.

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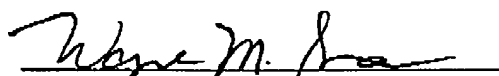
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Conclusion

For at least the foregoing reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw the current rejections and allow the claims to issue. In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1884.

Respectfully submitted,

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